

REMARKS/ARGUMENTS

Applicant has received the Final Office Action dated July 23, 2007, in which the Examiner: 1) rejected claims 1, 4, 10-12, 15 and 21 under 35 U.S.C. § 102(e) as allegedly anticipated by Merchant (U.S. Pub. No. 2002/0128815, hereinafter "Merchant"); 2) rejected claims 2-3, 5, 13-14 and 16 under 35 U.S.C. § 103(a) as allegedly obvious in view of Merchant; and 3) rejected claims 6-9, 17-20 and 22-23 under 35 U.S.C. § 103(a) as allegedly obvious in view of Merchant and Rangachar (U.S. Pat. No. 6,301,252, hereinafter "Rangachar"). With this Preliminary Amendment, Applicant amends claims 1, 4-8, 10, 12, 15-18 and 20 and cancels claims 9 and 19. Based on the amendments and arguments herein, Applicant respectfully submits that all claims are in condition for allowance.

I. 35 U.S.C. § 102(e) REJECTION UNDER MERCHANT

The Examiner rejected claims 1, 4, 10-12, 15 and 21 under 35 U.S.C. § 102(e) as allegedly anticipated by Merchant. As amended, claim 1 requires "wherein at least one of said generic commands puts a device into its most privileged level through an established connection to the device." On p. 7, #22 of the Final Office Action, the Examiner admits that Merchant fails to disclose this limitation and asserts that Rangachar discloses this limitation at col. 4, ll. 58-62. Applicant respectfully submits that the Examiner is mistaken. This portion of Rangachar merely discloses a network manager that remotely controls and manages a plurality of cell-based switches in a cell-based network. This portion of Rangachar also discloses that a switch sends control and management requests to the network manager. However, neither of these teachings is sufficiently specific to satisfy the limitation of a generic command that puts a device into "its most privileged level" through an established connection to the device. The mere ability of a network manager to control a switch fails to read upon the claim 1 limitation referenced above. For at least this reason, claims 1-8, 10-11 and 23 are patentable over Merchant, Rangachar and the hypothetical combination of Merchant and Rangachar.

As amended, claim 12 requires “wherein one of said generic commands gives a device a complete configuration based on information from a stored configuration file.” Merchant fails to teach or suggest this limitation. On p. 7, #21 of the Final Office Action, the Examiner asserts that this limitation is taught by Rangachar at col. 4, ll. 58-62 and at col. 4, ll. 18-24. Applicant kindly submits that the Examiner is mistaken. The content of col. 4, ll. 58-62 is described above, and the content of col. 4, ll. 18-24 merely discloses that the network manager receives generic commands, translates the generic commands into switch-specific commands, and sends the switch-specific commands to the corresponding switches. Each of these citations in Rangachar fails to disclose that any of these generic commands gives a device a complete configuration based on information stored in a configuration file, as required by claim 12. For this reason, claims 12-18 and 20-22 are patentable over Merchant, Rangachar and the hypothetical combination of Merchant and Rangachar.

II. 35 U.S.C. § 103(a) REJECTION IN VIEW OF MERCHANT

The Examiner rejected claims 2-3, 5, 13-14 and 16 under 35 U.S.C. § 103(a) as allegedly obvious in view of Merchant. However, as explained above, each of these claims is patentable over Merchant because each of these claims depends on a patentable, independent claim.

III. 35 U.S.C. § 103(a) REJECTION IN VIEW OF MERCHANT AND RANGACHAR

The Examiner rejected claims 6-9, 17-20 and 22-23 under 35 U.S.C. § 103(a) as allegedly obvious in view of Merchant and Rangachar. However, as explained above, each of these claims is patentable over Merchant, Rangachar and the hypothetical combination of Merchant and Rangachar.

IV. CONCLUSION

In the course of the foregoing discussions, Applicant may have at times referred to claim limitations in shorthand fashion, or may have focused on a particular claim element. This discussion should not be interpreted to mean that the other limitations can be ignored or dismissed. The claims must be viewed as

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a whole, and each limitation of the claims must be considered when determining the patentability of the claims. Moreover, it should be understood that there may be other distinctions between the claims and the cited art which have yet to be raised, but which may be raised in the future.

Applicant respectfully requests reconsideration and that a timely Notice of Allowance be issued in this case. It is believed that no extensions of time or fees are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required (including fees for net addition of claims) are hereby authorized to be charged to Hewlett-Packard Development Company's Deposit Account No. 08-2025.

Respectfully submitted,

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